

**CALENDAR ITEM  
C34**

A 74  
S 35

06/18/02  
W 25851  
J. Smith

**GENERAL LEASE - PUBLIC AGENCY USE**

**LESSEE:**

City of Del Mar  
1050 Camino Del Mar  
Del Mar, California 92014

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands adjacent to the San Dieguito River, Del Mar, San Diego County.

**AUTHORIZED USE:**

Construction and maintenance of a pedestrian trail and landscaping improvements.

**LEASE TERM:**

Five years, beginning July 1, 2002.

**CONSIDERATION:**

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Liability insurance with coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns and has a right to use the uplands adjoining the lease premises.
2. The Applicant proposes to construct a pedestrian trail and landscaping improvements for passive public use along the south side of the San Dieguito River. The trail consists of a five-foot wide ADA accessible decomposed granite path, two ADA accessible viewing areas, and an

CALENDAR ITEM NO. **C34** (CONT'D)

ADA accessible picnic table. Landscaping improvements would consist of both native and naturalized species compatible with coastal lagoon wetland and upland coastal sage scrub habitats. The City's project is consistent with the proposed San Dieguito Wetland Restoration Project.

A portion of the trail will be located on sovereign lands. It is the intent of Commission staff and the City to formally resolve title interests through a title settlement agreement. Commission staff has recently completed a survey of this area to delineate the extent of the state's sovereign interests. The Applicant would like to begin construction of the project as soon as possible. As it will not be possible to prepare and finalize the title settlement agreement prior to the anticipated date for construction, Commission staff is recommending the issuance of a short-term lease to facilitate construction of the project. The lease will terminate upon the recordation of the approved title settlement agreement.

3. A Mitigated Negative Declaration was prepared and adopted for this project by the city of Del Mar. The Commission's staff has reviewed such document. A Mitigation Monitoring Program was adopted by the city of Del Mar.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**APPROVALS OBTAINED:**

City of Del Mar; California Coastal Commission.

**EXHIBIT:**

- A. Location and Site Map
- B. Mitigation Monitoring Program

**PERMIT STREAMLINING ACT DEADLINE:**

December 11, 2002

CALENDAR ITEM NO. **C34** (CONT'D)

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF DEL MAR AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE MITIGATION MONITORING PROGRAM, ATTACHED AS EXHIBIT B.

**SIGNIFICANT LANDS INVENTORY FINDING:**

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO CITY OF DEL MAR OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING JULY 1, 2002, FOR A TERM OF FIVE YEARS, FOR CONSTRUCTION AND MAINTENANCE OF A PEDESTRIAN TRAIL AND LANDSCAPING IMPROVEMENTS ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000.